

Appln No. 09/575,192
Amdt. Dated April 5, 2004
Response to Office action of October 8, 2003

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REMARKS/ARGUMENTS

I appreciate your inclusion of the previous report with this Office Action. However I am still confused about the 12 September 2003 Office Action (which was mainly a rejection of my proposed amendments). As mentioned in my previous response, my file shows:

1. 21 June 2002 - Office Action
2. 21 October 2002 - my reply
3. 14 November 2002 - your rejection of my reply of 21 October 2002 on the basis of alleged new matter
4. 4 December 2002 - Submission of an RCE, requesting that amendments and arguments of 21 October 2002 be entered
5. 21 January 2003 - Office Action, referring to claims withdrawn by way of 12 September 2002

The "Restriction by Original Presentation" requirement was made in your 21 June 2002 Office Action. I am unable to see where or how a 12 September 2002 Office Action could have issued. I would really appreciate it if you would check you files and confirm whether such an Office Action issued, and if so, forward it to me to review.

Whether or not such an Office Action issued, you have still not addressed any of the arguments I submitted with my reply of 21 October 2002. I believe that payment of the substantial fee for an RCE entitles me to a response to these important issues. If you do not agree that this is the case, I would appreciate hearing your reasoning.

Current Claims

Based on your reiterated comment that the language I referred to in relation to claim 1 does not exist there (latest Office Action, page 9, paragraph 3), I am still concerned that the claims you have on file differ from those I believe to be on file. To enable you to compare, the claim 1 that I am working from is:

A method of providing a copy of at least one page of a printed document, the document including coded data indicative of the identity of the document and of at least one reference point of the document, the method including the steps of:

receiving, in a computer system, indicating data from a sensing device

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operated by a user, said indicating data regarding the identity of the document and a position of the sensing device relative to the document, the sensing device, when placed in an operative position relative to the document, sensing the indicating data using at least some of the coded data;

identifying in the computer system and from the indicating data, a request for a copy of at least one page of the document; and

transmitting, from the computer system, relevant document data to at least one printer to effect printing of the copy of the at least one page.

I have underlined the portion in which the identity of the document and a reference point (from which the position of the sensing device is determined) are referred to, contrary to your suggestion on page 9 of the latest Office Action that "this specific language is not found in any of claims 1 and 14"

As far as I am aware this claim has not substantially changed form over at least the last four responses to Office Actions. If the claim you have on file is different to this, please let me know as a matter of urgency.

Whilst I believe there are number of points that distinguish the claims from Lemelson, I will focus on the critical issue that I feel has not been appreciated. Please note that my focussing on this one point should not be considered acceptance, tacit or otherwise, of the rejections based on other arguments.

The issue I wish to focus on is the difference between the reproduced document being a copy of THE document that was used with the sensing device (the present invention as claimed), as opposed to merely being a copy of some other document that is different to the first document (Lemelson, for example). I must admit that I am disappointed that in submission after submission, you have insistently overlooked my arguments about the use of the definite article "the" in relation to the document to be printed in the claims. Each time I have repeated it, you have replied by saying that contrary to my submission, Lemelson does disclose printed of "a document" (my emphasis).

Claim 1, for example, defines: "A method of providing a copy of at least one page of a printed document..." It is abundantly clear from this phrase that the copy must be a copy

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of at least one page of THE printed document. You have suggested in your remarks that I said Lemelson does not disclose the production of a document. That is not correct. I stated (and now reiterate) that Lemelson does not disclose production of a COPY of THE document that the sensing device interacts with in the first place. This is the crux of the invention, is clearly defined in the claims and is not disclosed by Lemelson.

As mentioned in my previous response, the only printing disclosed in Lemelson is that of a score once the game/exercise is completed. A score can only be based on input by the user, which by definition is not on the document inserted into the device of Lemelson. It therefore logically follows that what is printed cannot be a copy of THE document inserted into Lemelson's device, because that copy does not include the scores to be printed.

I would strongly urge you to consider the strong difference between producing an arbitrary document (Lemelson) and producing a COPY of THE document, which is incorporated explicitly in the present claims by use of the definite article "the".

In the event you do not agree, I would appreciate it if you could point out where, in Lemelson, there is disclosed any production of a copy of the document that is inserted into the device.

If I am reading this Office Action incorrectly, and there is something more to it than what I have stated, please let me know. If, for example, you appreciate what I am trying to claim, but do not consider the use of "the" (as described in detail above) to be sufficient to establish the relationship of copying the document, please let me know. This feature could be emphasised without entering new matter or issues for consideration by an amendment along the line of using a first document to print a second document, wherein the second document is a copy of the first. Please let me know what you think of this approach.

If the arguments in the present response are not persuasive, or if we still seem to be working from different versions of the claims, I respectfully request a telephone interview at your earliest convenience.

Further consideration of the present application is respectfully requested.

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Very respectfully,

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